

---

**CITY OF KELOWNA**

**MEMORANDUM**

---

**Date:** October 28, 2003

**File No.:** DVP03-0114

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP03-0114

**OWNER:** Doug Clark & Brian  
Johnston

**AT:** 613 Sutherland Avenue, Kelowna,  
BC

**APPLICANT:** Doug Clark

**PURPOSE:** TO VARY THE REQUIRED REAR YARD SETBACK TO ALLOW A  
SETBACK OF 2.5 METRES WHERE 6.0 METRES IS REQUIRED.

TO VARY THE MAXIMUM PERMITTED SITE COVERAGE FROM THE  
50% PERMITTED INCLUDING BUILDINGS, DRIVEWAYS, & PARKING  
TO ALLOW A SITE COVERAGE OF 52.3%.

**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING

**REPORT PREPARED BY:** KEIKO NITTEL

---

**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

---

**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0114 for Lot 10, D.L 14, Plan 814, ODYD, located on Sutherland Ave, Kelowna, B.C.

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

**Section 13.6.5 (a) – Two Dwelling Housing**

- To allow a maximum site coverage of 52.3% including driveways and parking where only 50.0% is permitted.

**Section 13.6.5 (e) – Two Dwelling Housing**

- To allow a rear yard setback of 2.5 m where 6.0 m is required.

AND THAT the issuance of Development Variance Permit subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A"
2. The developer be required register a "No Build" Covenant on title of the subject property as a Section 219 Restrictive Covenant. The building permit must stipulate the 'no-build' setbacks for any building structure.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

## 2.0 SUMMARY

The applicant is proposing to construct a semi-detached building on the subject property. Variances to the required rear yard setback and lot coverage including parking and driveways are being requested.

## 3.0 BACKGROUND

The applicant is proposing to construct a semi-detached building on the subject property. Variances to the required rear yard setback and lot coverage including parking and driveways are being requested.

The subject property is located on Sutherland Avenue with Mill Creek is running along the rear of the property. As the lot is demarked by the old natural boundary of Mill Creek, the rear property line is angled creating an irregular shaped lot. The natural boundary of the creek, however, has shifted over time, creating a large open area between the rear property line and the creek. The applicant therefore is able to maintain a 15.0 metre riparian management area setback to the creek despite a rear yard setback of only 2.5 metres at one corner of the property. The required rear yard setbacks of 6.0 metres to the property line and 15.0 metres to the creek are achieved at the opposite corner of the lot.

The proposed semi-detached building will be in the form of two small houses linked by an attached garage in between the two units. An additional attached single car garage is located at the front of the building. Each dwelling unit therefore has parking in one attached garage and one surface parking space. A driveway along the east property line is required to access the two attached garages. Including driveway and parking, the proposed site coverage is 52.3 where only 50% permitted. Turn around areas ensure that vehicular access to and from the site can occur in a forward motion.

### 3.1 The Proposal

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for RU6 zone as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	773m <sup>2</sup>	700m <sup>2</sup>
Lot Width (m)	18.29m	18.0m
Lot Depth (m)	34.6m	30.0m
Site Coverage (%)	38.0% 52.3%❶	40% for buildings 50% with parking and driveways
Storeys (#)	1.5 storeys (approx. 5.0m)	2 storeys (9.5m max.)
Setbacks (m)		
- Front	4.57m	4.5m
- Rear	2.5m❷	6.0m for 1 or 1 ½ storey portion
- East Side	3.5m	2.0m for 1 or 1 ½ storey portion
- West Side	2.44m	

Parking Spaces	4	4
----------------	---	---

**Notes:**

- ❶ A variance is required to allow a site coverage including driveways & parking of 52.0 % where only 50% is permitted.
- ❷ The applicant is seeking to a development variance permit to allow a rear yard setback for a portion of the building to be 2.5 metres where 6.0 metres is required.

### 3.2 Site Context

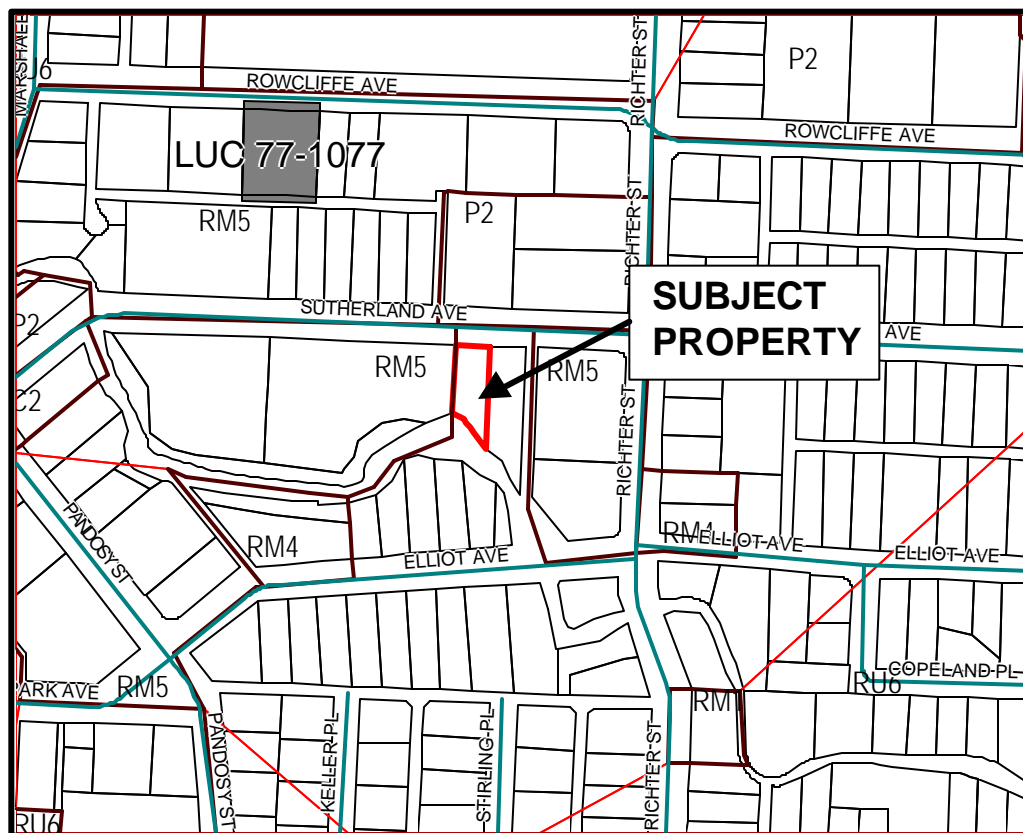
The subject property is located on

Adjacent zones and uses are:

- North - P2 - Education and Minor Institutional
- East - RU6 - Two Dwelling Housing
- South - RU6 - Two Dwelling Housing
- West - RM5 - Medium Density Multiple Housing

### 3.3 Location Map

Subject Property:



### 3.4 Existing Development Potential

The property is currently zoned RU6- Two Dwelling Housing zone. The purpose of the RU6 zone is to provide a zone for development of a maximum of two dwelling units in the form of single detached, duplex, or semi-detached or single detached housing with secondary suites.

### 3.5 Current Development Policy

#### 3.5.1 Kelowna Official Community Plan

The Official Community Plan designates the future land use of the subject property as Medium Density Multiple Unit Residential. The proposed Two Unit Residential development does not conform to this land use designation. Furthermore, the property located to the east of the subject property is designated as Medium Density Multiple Unit Residential. Redeveloping the subject property for Two Unit Residential purposes may therefore either limit or restrict the ability to redevelop the subject and neighbouring properties for Medium Density Multiple Unit Residential purposes. Given the current zoning of RU6 – Two Dwelling Housing, however, the property can be developed for two unit residential purposes

Mill Creek is identified on Map 14.2 of the OCP as a future Linear Park. Where linear parks cannot be acquired through dedication resulting from subdivisions or rezoning for multiple unit housing, the OCP states that the City will explore a variety of means for encouraging dedication by compensating property owners when land is made available for linear parks. To develop the linear park as it passes by the subject property, additional land will need to be dedicated.

#### 3.5.2 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1). The proposal is consistent with these objectives and with their accompanying strategies.

#### 4.4.4 3.5.3 Crime Prevention Through Environmental Design (1999)

The City of Kelowna Crime Prevention Through Environmental Design guidelines include the following suggestions for Residential Developments;

##### Natural Surveillance

- all doorways that open to the outside should be well- lit;
- the front door should be visible from the street;
- windows on all sides of the house should provide full visibility of property;
- sidewalks and all areas of the yard should be well-lit;
- the driveway should be visible from either the front or back door and at least one window;
- the front door should be clearly visible from the driveway;
- properly maintained landscaping should provide maximum viewing to, and from the house;

- motion lighting in lanes can improve safety of pedestrians and vehicles, as well as reduce break-ins, if there is also surveillance from nearby homes;
- not all public areas should be lit, as this promotes a false sense of security for those passing through at night (parks are a good example).

#### Territorial Reinforcement

- front porches or stoops create a transitional area between the street and the home;
- property lines and private areas should be defined with plantings, pavement treatments or fences;
- residences should be clearly identified by street address numbers that are a minimum of five inches (13 cm.) high and well-lit at night;
- entrances from a lane help to provide control over the lane from abutting properties (this prevents it from being an isolated area);
- traffic calming measures (e.g. speed bumps) and well-maintained landscaping also enhance pedestrian safety of lanes.

#### Natural Access Control

- walkways and landscaping should direct visitors to the proper entrance and away from private areas.

#### Target Hardening

- interior doors that connect a garage to a building should have a single cylinder dead bolt lock;
- door locks should be located a minimum of 40 inches (1 metre) from adjacent windows;
- exterior doors should be hinged on the inside and should have a single cylinder dead bolt lock with a minimum one-inch (2.54 cm.) throw;
- all windows should have locks;
- windows in older houses should be renovated such that they can be effectively locked;
- sliding glass doors should have one permanent door on the outside; the inside moving door should have a locking device and a pin.

## 5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments and the following comments or concerns were expressed:

### 5.1 Works and Utilities

The Works & utilities Department has the following comments and requirements

#### 5.1.1. Domestic Water and Fire Protection

The existing lot is serviced with a small diameter (13-mm) copper water service, which is substandard. Adequate metered water service must be provided to meet current by-law requirements. Water service issues will be reviewed when a Building Permit application including a mechanical plan is submitted. The installation of the new service will be by City forces. The applicant will be responsible for the cost of the new service.

#### 5.1.2. Sanitary Sewer

This property is currently serviced by the municipal sanitary sewer system. The existing 100mm-diameter service will be adequate for the proposed development, and can be retained. An inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw.

#### 5.1.3. Road Issues

Driveway access will be required to Sutherland Avenue. A Servicing Agreement and Performance Bonding will be required for the removal of existing curb, gutter and sidewalk. Construction of a new driveway and the installation of an irrigated landscaped boulevard will also be required. Damage to the existing sidewalk and curb will require replacement and will be the responsibility of the applicant.

Bonding	
Sutherland Avenue access	\$5,000.00
Total Bonding	<u>\$5,000.00</u>

NOTE: The bonding amount shown above is comprised of estimated construction costs. Bonding for required off-site construction must be provided prior to issuance of a building permit and may be in the form of cash or an irrevocable letter of credit in an approved format. The owner must also enter into a servicing agreement in a form provided by the City.

#### 5.1.4. Electric Power and Telecommunication Services

All proposed distribution and service connections are to be installed underground. Existing service connections on that portion of a road immediately adjacent to the site are to be relocated and installed underground. Remove aerial trespasses.

#### 5.1.5. Site Related Issues

A 'no-build' creek setback must be registered against the subject property as a Section 219 Restrictive Covenant. The building permit must stipulate the 'no-build' setbacks for any building structure.

The environmental ramifications of landscaping, retaining walls, protection of existing mature trees, requested building setback variances, additional dedication along the Mill Creek frontage, must be considered.

Development Engineering will defer comment on those issues to the City Environment Manager and the Provincial Government

#### 5.2 Inspections Services

A design that conforms to the bylaw is possible. Turn around area for driveway required.

#### 5.3 Fire Department

No comment.

5.4 Parks Department

The Tree Protection Bylaw regulates the removal of trees on lands located along Natural Environment Development Permit Areas including Mill Creek. Ensure all trees and riparian habitat in the 15 meter setback is preserved.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

While the property located to the east of the subject property is also designated as Medium Density Multiple Unit Residential, the potential for the redevelopment of the property for multiple dwelling residential is at this time limited. Given the current zoning of RU6 – Two Dwelling Housing, the property can be developed for two unit residential purposes. The Department is therefore supportive of the proposed project.

The subject property is currently vacant. The proposed development is consistent with the City of Kelowna Crime Prevention through Environmental Design (CPTED) policies. In particular, the project will provide beneficial territorial reinforcement of the lot and provide the opportunity for natural surveillance of the adjacent properties including the banks of Mill Creek.

In addition, Staff feel that the proposed variances are relatively minor. The requested variance to the required rear yard setback is being requested at the south west corner of the lot for a small portion of the building. The irregular shape of the lot, however, allows a required 6.0 metre setback to be achieved for the majority of the building. In addition, the applicant has also ensured that the entire building respects the 15.0 metre riparian management area setback to Mill Creek. The applicant will be required to register a no-build covenant on title in order to restrict future development in the 15.0 riparian management area setback. The additional variance, to allow a site coverage including driveways and parking of 52.0% where only 20% is permitted, is required to facilitate the driveway at the side of the property. The applicant was required to provide additional driveway area in order to allow a turn around area to ensure that vehicles enter and leave the driveway in a forward manner. The adjacent neighbours have submitted letters of support of the proposed development and the associated variances.

---

Andrew Bruce  
Development Services Manager

Approved for inclusion

☐

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Corporate Services

KN  
Attach.

**FACT SHEET**

- |  |   |
|--|---|
| 1. APPLICATION NO.:  | DVP03-0114  |
| 2. APPLICATION TYPE:   | Development Variance Permit   |
| 3. OWNER:  | Connie Celina Krissler  |
| . ADDRESS  | 483 Patterson Avenue  |
| . CITY   | Kelowna, BC   |
| . POSTAL CODE  | V1Y 5C5   |
| 4. APPLICANT/CONTACT PERSON:   | Doug Clark  |
| . ADDRESS  | 765 Copeland Place  |
| . CITY   | Kelowna, BC   |
| . POSTAL CODE  | V1Y 5S6   |
| . TELEPHONE/FAX NO.:   | 763-1687  |
| 5. APPLICATION PROGRESS:   |   |
| Date of Application:   | September 23, 2003  |
| Date Application Complete:   | September 23, 2003  |
| Servicing Agreement Forwarded to Applicant:  | n/a   |
| Servicing Agreement Concluded:   | n/a   |
| Staff Report to APC:   | n/a   |
| 6. LEGAL DESCRIPTION:  | Lot 10, DL 14, ODYD, Plan 814   |
| 7. SITE LOCATION:  | On Sutherland Avenue between Pandosy Street and Richter Street  |
| 8. CIVIC ADDRESS:  | 613 Sutherland Avenue   |
| 9. AREA OF SUBJECT PROPERTY:   | 759m <sup>2</sup>   |
| 10. EXISTING ZONE CATEGORY:  | RU6- Two Dwelling Zone  |
| 11. PURPOSE OF THE APPLICATION:  | To obtain a development variance permit to allow a rear yard setback of 2.5 metres.<br>To obtain a development variance permit to allow a site coverage including driveways & parking of 52.3% where only 50.0% is permitted. |
| 12. MIN. OF TRANS./HIGHWAYS FILES NO.:<br>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | n/a   |
| 13. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS   | n/a   |



**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site Plan
- Floor Plans
- Elevations
- Letters from Neighbours